

§ 5.611 Adjusted income.

Adjusted income means annual income less the following deductions:

- (a) \$480 for each dependent;
- (b) \$400 for any elderly family or disabled family;
- (c) For any family that is not an elderly family or disabled family but has a member (other than the head of household or spouse) who is a person with a disability, disability assistance expenses in excess of three percent of annual income, but this allowance may not exceed the employment income received by family members who are 18 years of age or older as a result of the assistance to the person with disabilities;
- (d) For any elderly family or disabled family:
 - (1) That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed three percent of annual income;
 - (2) That has disability assistance expenses greater than or equal to three percent of annual income, an allowance for disability assistance expenses computed in accordance with paragraph (c) of this section, plus an allowance for medical expenses that is equal to the family's medical expenses;
 - (3) That has disability assistance expenses that are less than three percent of annual income, an allowance for combined disability assistance expenses and medical expenses that is equal to the amount by which the sum of these expenses exceeds three percent of annual income; and
- (e) Child care expenses.

§ 5.613 Total tenant payment.

- (a) *Total tenant payment for families whose initial lease is effective on or after August 1, 1982.* (1) Total tenant payment is the amount calculated under section 3(a)(1) of the 1937 Act (42 U.S.C. 1437a(a)(1)). If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under paragraph (C) of section 3(a)(1) of the 1937 Act (42 U.S.C. 1437a(a)(1)(C)) shall be the amount resulting from one application of the percentage.
- (2) *For public housing only.* Total tenant payment for families residing in

public housing does not include charges for excess utility consumption or other miscellaneous charges (see § 966.4 of this chapter).

(b) *Total tenant payment for families residing in public housing whose initial lease was effective before August 1, 1982.* Paragraphs (b) and (c) of 24 CFR 913.107, as it existed immediately before November 18, 1996 (contained in the April 1, 1995 edition of 24 CFR, parts 900 to 1699), will continue to govern the total tenant payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.

(c) *Inapplicability to the Section 8 Rental Voucher Program.* The provisions of this section do not apply to the Section 8 Rental Voucher Program.

§ 5.615 Utility reimbursements.

- (a) *General.* Where applicable, the utility reimbursement shall be paid to the family in the manner provided in the pertinent program regulations. If the family and the utility company consent, a PHA or owner may pay the utility reimbursement jointly to the family and the utility company, or directly to the utility company.
- (b) *Inapplicability to the Section 8 Rental Voucher Program.* The provisions of this section do not apply to the Section 8 Rental Voucher Program. For the Voucher Program, in cases where the amount of the HAP payment exceeds the rent to owner, the excess will be paid to the family.

§ 5.617 Reexamination and verification.

- (a) *Responsibility for initial determination and reexamination.* The PHA or owner, as applicable, must conduct a reexamination of family income and composition at least annually. The "effective date" of an examination or reexamination refers to:
 - (1) In the case of an examination for admission, the effective date of the lease; and
 - (2) In the case of a reexamination of an existing participant, the effective date of the redetermined housing assistance payment with respect to the Rental Voucher program and the effective date of the redetermined total tenant payment in all other cases.